REMARKS

Applicants have amended the claims to more particularly define the invention taking into consideration the outstanding Official Action. Claims 1, 7 and 10 have been amended to more particularly define the invention as fully supported by Applicants' specification. In this regard, please not the ripple effect show in the drawing, see in particular Fig. 5 and the corresponding description in the specification. Applicants most respectfully submit that all the claims now present in the application are in full compliance with 35 U.S.C. §112 and are clearly patentable over the references of record.

The rejection of claim 1 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention has been carefully considered but is most respectfully traversed.

Applicants have amended claim 1 to clarify this aspect of the invention as fully supported by the application as originally filed which includes the drawings. It is believed that the relationship of the process steps and structure is now clear. Accordingly, it is most respectfully requested that this rejection be withdrawn in view of the amendment to claim 1.

The rejection of claims 1-4, and 6-10 under 35 U.S.C. §102(b) as being anticipated by Vasquez and the rejection of claims 1-8 and 10 as anticipated by Kepler et al. each has been carefully considered but is most respectfully traversed in view of the amendments to claims 1, 7 and 10 and the following comments.

Applicant wishes to direct the Examiner's attention to MPEP § 2131 which states that to anticipate a claim, the reference must teach every element of the claim.

> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed.Cir. 1990).

Applicants have amended claim 1 to relate to the first embodiment of the present application with reference to Fig. 5. In claim 1 (the first embodiment), each of the operation layers (12/141/6) on the substrate 10 at a predetermined position is removed off to form an opening 20 penetrating to the substrate 10. That is, the corresponding portion of the substrate 10 is exposed at the opening. The relevant description are stated in lines 11-15 on page 3 of the specification. In practice, undesirable ripple profile may appear on the sidewall of the opening. Then, the liner layer is formed on the sidewall of the opening, so that the sidewall having the liner layer formed thereon has smooth profile, as shown in Fig. 5. Neither U.S. Patent No. 4,994,406 nor 6,143,624 has disclosed such limitations.

By the methods disclosed in the present specification and as now clearly set forth in the claims, the formed shallow trench can always have smooth profile. To manifest this feature, the relevant descriptions are added into claims 1 and 7, respectively. Accordingly, it is most respectfully requested that this rejection be withdrawn.

In view of the above comments and further amendments to the claims, favorable reconsideration and allowance of all of the claims now present in the application are most respectfully requested.

Respectfully submitted,

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